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19 OWEN DIAZ

20
21 **UNITED STATES DISTRICT COURT**
22
23 **NORTHERN DISTRICT OF CALIFORNIA**

24 DEMETRIC DI-AZ, OWEN DIAZ, and
25 LAMAR PATTERSON,

26 Plaintiffs,

27 v.

28 TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

29 Defendants.

30 Case No. 3:17-cv-06748-WHO

31
32 **PLAINTIFF'S DESIGNATION OF**
33 **DEPOSITION TESTIMONY OF**
34 **ANNALISA HEISEN**

35 Trial Date: September 24, 2021
36 Complaint filed: October 16, 2017

37 Plaintiff Owen Diaz hereby designates the following revised deposition transcript
38 excerpts for Annalisa Heisen, Tesla Senior Employee Relations Partner, for presentation via
39 video as part of his case in chief and submits these designations:

1 **Heisen, Annalisa 05/29/19, Volume 1**

#	Lines	Deposition Excerpt
1	8:10-12	10 MR ORGAN: Q. Good morning. Could you 11 please state your full name for the record. 12 A. Annalisa Heisen.
2	8:15-19	15 Q. Okay. And what's your -- you currently work 16 for Tesla; is that right? 17 A. Correct. 18 Q. What's your current position there? 19 A. I'm a senior employee relations partner.
3	10:15-23	15 MR ORGAN: So Exhibit 143, for the record, is 16 a 44-page document that is Defendants' objections to 17 Plaintiff's sixth amended notice of videotaped 18 deposition of Tesla Inc's person most knowledgeable 19 pursuant to FRCP 30(b)(6). And let's just go through. 20 Q. If you turn to the fourth page, you're the 21 person most knowledgeable relative to topic number 1; 22 is that right? 23 A. Correct.
4	11:2-4	2 Q. You're the person most knowledgeable relative 3 to topic number 3; is that right? 4 A. Correct.
5	11:20- 12:6	P. 11 20 Q. You're the person most knowledgeable relative 21 to topic number 9? 22 A. Correct. 23 Q. You're the person most knowledgeable relative 24 to topic number 10? 25 A. Correct. P. 12 1 Q. You're the person most knowledgeable relative 2 to topic number 11? 3 A. Correct. 4 Q. You're the person most knowledgeable relative 5 to topic number 12? 6 A. Correct.
6	12:21-23	21 You're the person most knowledgeable relative 22 to topic number 15; is that correct? 23 A. Correct.
7	16:3-14	3 MR ORGAN: Q. Tell me about your background. 4 Where did you go to college? 5 A. California State University Northridge. 6 Q. Did you get a degree from there? 7 A. I did. 8 Q. What was your degree? 9 A. Cinema and television arts.

1	#	Lines	Deposition Excerpt
2			<p>10 Q. What year did you get that? 11 A. 2012. 12 Q. And what was your first job after graduating 13 from Cal State Northridge? 14 A. Working for Tesla.</p>
3	8	17:22- 18:18	<p>4 P. 17 5 22 Q. What was your next role after being a store 6 manager? 7 A. I was an associate HR partner. 8 25 Q. And where were you located as an associate HR 9 10 P. 18 11 1 partner? 12 A. Fremont. 13 3 Q. So what year did you start as an associate HR 14 4 partner? 15 A. 2016. 16 6 Q. And how long were you an associate HR 17 7 partner? 18 A. Five or six months, approximately. 19 9 Q. What was your next job with Tesla? 10 A. HR partner. 20 11 Q. And how long were you an HR partner? 21 12 A. Six to eight months, approximately. 22 13 Q. Who did you report to as an HR partner? 23 14 A. I had multiple managers at that time. They 24 15 changed. 25 16 Q. So this would be 2016 or 2017 when you were 26 17 promoted to HR partner? 18 A. That would be early 2017. 2017.</p>
4	9	19:20- 20:17	<p>20 P. 19 21 20 Q. Now, at some point you were promoted from HR 22 partner; is that correct? 23 A. Correct. 24 23 Q. What was your next position at Tesla? 25 24 A. Employee relations partner. 26 25 Q. What's the difference between an employee 27 28 P. 20 1 relations partner and an HR partner? 2 A. What do you mean by "difference"? 3 Q. Are there different job duties between being 4 an employee relations partner and an HR partner? 5 A. Yes. 6 Q. What is the difference? 7 A. I mean, there's several differences. There's 8 different roles.</p>

#	Lines	Deposition Excerpt
1		<p>9 Q. What are those?</p> <p>10 A. Some of the differences would be that employee relations partner solely focuses on investigations, whereas HR partners do not.</p> <p>13 Q. Do HR partners do investigations?</p> <p>14 A. Occasionally they do.</p> <p>15 Q. And how long were you an employee relations partner?</p> <p>17 A. A little over a year, I believe.</p>
7	10 20:18-25	<p>18 Q. And then what was your next position after employee relations partner?</p> <p>20 A. Senior employee relations partner.</p> <p>21 Q. Senior?</p> <p>22 A. Senior employee relations partner.</p> <p>23 Q. When did you receive that promotion?</p> <p>24 A. About eight months ago. I don't recall exactly.</p>
12	11 25:11-26:1	<p>P. 25</p> <p>11 Q. Okay. What do you remember, in terms of the 12 steps that you were to go through as someone 13 investigating a claim of discrimination or harassment 14 at Tesla?</p> <p>15 A. From that time?</p> <p>16 Q. Yes.</p> <p>17 A. The general steps that might apply, and it really does depend case to case what those steps would be. But generally speaking, we receive a concern, take an intake of that concern, identify witnesses, people who should be interviewed for an investigation, present the information, and partner with legal at that time, as to how to move forward with the investigation process. Conduct interviews, gather evidence, if applicable, and then make a finding based</p> <p>P. 26</p> <p>Page 26</p> <p>1 on what we learn. It's an analysis.</p>
24	12 26:22-27:20	<p>P. 26</p> <p>22 Q. What are the different employment statuses 23 for individuals who work at the Fremont factory?</p> <p>24 A. I don't have an exhaustive list of types of roles.</p> <p>P. 27</p> <p>1 Q. What are the ones you remember?</p> <p>2 A. General direct-hire employees, contractors, temporary employees.</p>

1	#	Lines	Deposition Excerpt
2			<p>4 Q. Any other categories you can think of?</p> <p>5 A. We occasionally have vendors visit the</p> <p>6 property.</p> <p>7 Q. Any other categories, other than general</p> <p>8 direct-hire employees, contractor, temporary employees</p> <p>9 and vendors, visiting the property?</p> <p>10 A. Not that come to mind.</p> <p>11 Q. Now, there is a job category of persons</p> <p>12 working at the Tesla factory, called production</p> <p>13 associates; is that correct?</p> <p>14 A. That's my understanding.</p> <p>15 Q. And some of the production associates are</p> <p>16 general direct-hire employees; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. And then some of the production associates</p> <p>19 are contractor employees; is that correct?</p> <p>20 A. That's my understanding.</p>
12	13	28:4-15	<p>4 Q. But in terms of a different classification of</p> <p>5 production associate, in terms of job duties, you're</p> <p>6 not aware of any specific differences between the job</p> <p>7 duties of production associates who are general direct</p> <p>8 hires, versus contractors; is that correct?</p> <p>9 A. I'm not aware of specific differences in that</p> <p>10 production associate role.</p> <p>11 Q. And the production associates work throughout</p> <p>12 the factory; is that correct, throughout the Fremont</p> <p>13 factory?</p> <p>14 A. They work in different departments, different</p> <p>15 areas in the factory, under that same title.</p>
19	14	29:9-18	<p>9 Q. How about this: In terms of Tesla's policies</p> <p>10 on discrimination or harassment, those policies apply</p> <p>11 to every worker in the factory; correct?</p> <p>12 A. We have an expectation that everyone working</p> <p>13 in that factory location are meeting those standards</p> <p>14 of that policy.</p> <p>15 Q. Okay. And that's true whether an employee is</p> <p>16 a general direct-hire employee or whether they're a</p> <p>17 contractor or a vendor; correct?</p> <p>18 A. Correct. The expectation is the same.</p>
25	15	33:4-8	<p>4 Q. Well, you understand that you're testifying</p> <p>5 today as the person most knowledgeable on the policies</p> <p>6 and procedures related to race harassment in effect</p> <p>7 from 2014 to present; right? You understand that?</p> <p>8 A. Correct.</p>
28	16	35:5-16	<p>5 Q. You would agree that under the policies that</p> <p>6 Tesla has, the antidiscrimination policies, that every</p> <p>7 employee has a duty to try and prevent harassment</p>

#	Lines	Deposition Excerpt
1		8 based on race from occurring; right? 2 9 A. Yeah, the policy states as much. 3 10 Q. And similarly, pursuant to Tesla's policies, 4 11 every contractor employee has a duty to prevent 5 12 harassment based on race from occurring; right? 6 13 MS. JENG: Objection. The policy speaks for 7 14 itself. 8 15 THE WITNESS: Yes, the expectation is the 9 16 same.
17	43:2-11	2 Q. Have you ever done an investigation into a 3 claim of the use of the "N" word at the Tesla factory? 4 A. Myself? 5 Q. Yeah. 6 A. I believe so. 7 Q. Which part of the factory did that relate to? 8 A. I don't recall. 9 Q. Have you done more than one investigation 10 into use of the "N" word at the Tesla factory? 11 A. It's possible.
18	44:25- 45:03	P. 44 25 Q. So legal's involved in the investigation P. 45 1 process, then; is that right, into racial -- claims of 2 racial harassment? 3 A. In general, yes.
19	45:24- 46:05	P. 45 24 Exhibit 5, for the record, I believe it's a 25 four-page document, Bates-stamped Tesla 211 to 214. P. 46 1 It's entitled the "Tesla Anti-handbook Handbook." 2 Q. Do you recognize Exhibit 5? 3 A. Yes. 4 Q. What is Exhibit 5? 5 A. It's the anti-handbook handbook.
20	53:4-13	4 Q. In terms of "stupid stuff," that part of 5 Exhibit 5, that applies to all employees, whether 6 they're regular employees or contractors, right, at 7 the Tesla factory? 8 A. My understanding is that there's an 9 expectation that both contractors and employees would 10 adhere to it. 11 Q. Would adhere to that part of the policy; 12 correct? 13 A. Correct.
21	54:1-5	1 Q. And then, in terms of resolving concerns,

#	Lines	Deposition Excerpt
1		2 that part of the handbook, the anti-handbook handbook, 3 applies to both contractors and regular employees too; 4 correct? 5 A. I believe so.
22	62:15- 63:04	P. 62 15 Q. So my question is whether or not Tesla's code 16 of conduct, business conduct, applies to contractors 17 who work at the Tesla factory, relative to 18 discrimination and harassment policies contained in 19 the code of conduct. Does it or doesn't it? 20 MS. JENG: She's already asked and answered. 21 THE WITNESS: My understanding is that we 22 have that expectation that contractors who are 23 employees of agencies are complying with these 24 guidelines. 25 MR ORGAN: Q. "These guidelines" being
23	72:3-18	P. 63 1 Tesla's code of business conduct relative to 2 discrimination and harassment; correct? 3 A. Right. The information that's articulated in 4 here. 5 MR ORGAN: Q. Okay. Let's go through 4 Exhibit 150. 5 Now, as to this policy, the antiharassment 6 and discrimination policy, this policy would apply to 7 all workers at the Tesla factory; correct? 8 MS. JENG: Objection; vague and ambiguous and 9 calls for speculation. 10 THE WITNESS: There's an expectation that 11 employees at Tesla as well as contractors and other 12 people on-site are in compliance with the policy. 13 MR ORGAN: Q. So Exhibit 150 does apply to 14 both contractors and regular employees, then; right? 15 MS. JENG: Objection; asked and answered. 16 THE WITNESS: There's an expectation that 17 both of those categories of workers would be in 18 compliance with those articulated.
24	75:6-16	6 Q. So your understanding is that the contracting 7 agencies are supposed to train their employees who 8 were working at the Tesla factory, on Tesla's 9 antiharassment and discrimination policy; correct? 10 MR. ARANEDA: Misstates prior testimony. 11 THE WITNESS: So, there's an expectation that 12 they're being trained by their staffing agencies on 13 antiharassment and discrimination, but this -- not 14 this policy specifically; I'm not sure what they're

#	Lines	Deposition Excerpt
1		15 doing. I couldn't confirm if they're training this 2 16 policy, since they're employees.
3	25 76:18-22	18 Q. And so at least in terms of Tesla's 4 19 expectations, Tesla's expectations are that even 20 contract workers should be aware of Tesla's 21 antiharassment and discrimination policy; correct? 22 A. That's my understanding.
6	26 77:7-17	7 "QUESTION: And in terms of -- there are some 8 reporting and investigation procedures in Exhibit 150, 9 if you look down at the bottom of the page, and then 10 over to the second page of Exhibit 150. Those 11 reporting and/or investigation principles would still 12 apply to employees who are contractors working at the 13 Tesla factory; correct?" 14 THE WITNESS: I don't have visibility into 15 what the agencies advise their contractors, as far as 16 reporting is concerned. Those guidelines may be 17 different, agency to agency.
13	27 78:11-15	11 Q. And so that employee of Tesla would have to 12 then take some action once they get information about 13 discrimination or harassment in the workplace; 14 correct? 15 A. That's the expectation.
16	28 79:7-15	7 Q. So if a Tesla employee gets information about 8 harassing conduct based on race in the factory, that's 9 occurring in the factory, regardless of how they get 10 that information, they then have a reporting duty, in 11 terms of either providing that information to a 12 higher-level manager or sending it to HR; is that 13 true? 14 A. There's an expectation of that, as it's 15 articulated in the policy.
21	29 81:6- 22 81:12	6 Q. Any information relative to a complaint of 7 harassment based on race at the Tesla factory, that's 8 investigated by HR, Tesla's HR, if it's brought to 9 Tesla HR attention; correct? 10 A. It depends. 11 Q. What does it depend on? 12 A. Who's involved in the complaint.
26	30 82:13-20	13 Q. Tesla has an obligation to the people who 14 work at the Fremont factory to ensure that they are in 15 a workplace free from harassment based on race; right? 16 A. Correct. 17 Q. And that's regardless of whether the person 18 working there is an employee or a contractor, right, 19 that obligation? 20 A. That's my understanding.

#	Lines	Deposition Excerpt
31	83:19-25	<p>19 Q. There are no written procedures that Tesla 20 has for coordinating investigations of allegations of 21 harassment based on race? 22 MS. JENG: Objection; misstates her prior 23 testimony. 24 THE WITNESS: Not that outline step by step 25 for each of these cases.</p>
32	101:5-22	<p>5 MR ORGAN: Q. I'm going to show you what's 6 going -- this will be 153. 7 Exhibit 153, for the record, is a 8 multiple-page document Bates-stamped Tesla 863 through 9 878. And it appears to be some training relative to 10 Ramon Martinez. 11 Have you seen this document before? 12 A. Yes, I believe so. 13 Q. And this shows -- if you look at Tesla 867, 14 this shows "I agree" references to some Tesla 15 policies; correct? 16 A. Correct. 17 Q. Would this indicate to you that Mr. Martinez 18 was on-boarded as an employee sometime on or after 19 April 20th of 2017? 20 A. I would say that it's possible, based on 21 these documents, that he was on-boarded as a Tesla 22 direct employee.</p>
33	109:12-15	<p>12 Q. Do you know if Michael Wheeler was ever 13 interviewed as part of the investigation into Owen 14 Diaz's complaint? 15 A. That, I'm not sure of.</p>
34	110:9-15	<p>9 Q. Do you know whether or not -- there's a 10 person here mentioned, Israel, who I guess arrived 11 with Michael Wheeler. 12 Do you know whether or not there was any 13 interview of Israel in conjunction with the 14 investigation? 15 A. I'm not sure of that.</p>
35	110:24-111:4	<p>P. 110 24 Q. And where Mr. Diaz says a little further 25 down, "A person should be able to come to work and not P. 111 1 be harassed or degraded while they're trying to do 2 their job," you would agree that that is -- comports 3 with Tesla's policies, doesn't it? 4 A. I agree, yes.</p>
36	111:5-	<p>P. 111 5 Q. And then Mr. Owen Diaz also says -- he said,</p>

1	#	Lines	Deposition Excerpt
2	37	112:7	<p>6 "It's not the first time that Ramon Martinez has" -- I 7 think "has been talked about his behavior," "has been 8 talked to about his behavior." 9 Is that your understanding? 10 MS. JENG: Objection; the document speaks for 11 itself. Misstating the evidence. 12 MR ORGAN: Q. You understood that Mr. Diaz 13 was complaining that the behavior towards Mr. Diaz was 14 getting worse; right? 15 MS. JENG: Objection; lacks foundation, 16 misstates the evidence. And the document speaks for 17 itself. 18 THE WITNESS: He makes the statement here 19 towards the end of the document. Owen alleges that 20 his behavior is getting worse. 21 MR ORGAN: Q. "His behavior," being 22 Mr. Martinez, is getting worse. 23 A. Yeah, yeah, Martinez. 24 Q. That is all something you would have 25 expected, the Tesla HR person who got involved, to P. 112 1 take into account when looking into Mr. Diaz's 2 complaint; correct? 3 MS. JENG: Objection; lacks foundation. 4 THE WITNESS: I could say that I would 5 imagine that those items would be taken into account 6 during an investigation, depending on whether it's the 7 Tesla HR person who conducted it or not.</p>
19	37	112:8-18	<p>8 MR ORGAN: Q. What does Tesla do to make 9 sure that its contractor organizations do a thorough 10 and effective investigation? 11 A. In general, when these complaints come to 12 Tesla's attention -- these complaints being harassment 13 and discrimination complaints -- if they involve 14 contractors, we expect that the Tesla HR person is in 15 communication with the agency. So even if they're not 16 the ones conducting the investigation, they're making 17 sure that the issue is resolved by collaborating with 18 the agency.</p>
26	38	113:13- 25	<p>13 MR ORGAN: Q. Well, in this situation, 14 Exhibit 39, the complaint was made directly to a Tesla 15 employee; correct? 16 A. Correct. 17 Q. A Tesla supervisor. Mr. Romero; right? 18 A. Correct. 19 Q. So in that case, Tesla's antiharassment and</p>

#	Lines	Deposition Excerpt
1		20 discrimination policy kicks in; right? Once its 21 supervisor gets knowledge of harassment at the Tesla 22 factory, the -- Tesla's antiharassment and 23 discrimination policy kicks in; right? 24 A. Mr. Romero would be held to that policy as a 25 direct employee.
2	39 114:18- 115:3	P. 114 18 Do you know whether or not any diversity 19 training took place? 20 A. Sorry, at the top of what? 21 Q. First page of Exhibit 39. The very top, last 22 sentence in the email from Victor Quintero to Wayne 23 Jackson. 24 A. And what was your question? 25 Q. Whether or not you're aware of any diversity P. 115 1 training that took place for Ramon Martinez at this 2 time in the 2016 time period. 3 A. At this time, I'm not sure.
3	40 115:13- 22	13 "QUESTION: Are you aware of any other 14 actions that Tesla took relative to investigating or 15 addressing Owen Diaz's complaint relative to racist 16 conduct that was directed at him by Ramon Martinez?" 17 THE WITNESS: I know that Tesla coordinated 18 and worked with the staffing agencies that were 19 involved to come to a determination based on the 20 interviews or the witness statements that were given, 21 and determine if disciplinary action needs to be 22 taken.
4	41 116:11- 19	11 Q. So the conclusion of the investigation into 12 Mr. Owen Diaz's complaint about the drawing was that 13 the drawing was offensive to Mr. Diaz; correct? 14 A. They substantiated that Ramon drew the image 15 and that Owen found that image to be offensive. 16 Q. Was there a finding as to whether or not the 17 drawing violated Tesla's antiharassment policy? 18 A. I'm not sure if that was specifically 19 articulated.
5	42 118:19- 25	19 Q. If we go back to Exhibit 153 and we look at 20 the certifications, does it appear to you that there 21 was any kind of certification that Mr. Martinez got in 22 this time period of January 2016 that might be some 23 kind of training relative to discrimination or 24 harassment? 25 A. Not as recorded in the certifications.

#	Lines	Deposition Excerpt
43	120:2-4	<p>2 Q. Do you know if anybody else was interviewed, 3 other than Ramon Martinez and Owen Diaz? 4 A. I'm not aware of any additional interviews.</p>
44	120:5-10	<p>5 Q. Are you aware of any investigation notes that 6 were taken by any investigators relative to an 7 investigation into Mr. Owen Diaz's complaint about 8 Ramon Martinez in January of 2016? 9 A. I'm not aware of any outside of the 10 summarization that occurs in the email threads.</p>
45	121:18- 122:21	<p>11 P. 121 12 18 MR ORGAN: Q. But an allegation of racial 13 harassment is a serious allegation; right? 14 A. Certainly. 15 Q. And certainly, an allegation where someone 16 has drawn a racial effigy that's offensive to 17 African-Americans, that's something that Tesla takes 18 very seriously; right? 19 A. Yes.</p> <p>P. 122</p> <p>20 Q. So if such an issue is brought to HR's 21 attention, they want to do a thorough investigation 22 about that allegation; correct? 23 A. Correct. They would make sure that that 24 5 issue was investigated.</p> <p>25 Q. One of the things you do as an investigator 26 7 too is you want to see if there's anything else that 27 8 has been done that's offensive, in addition to what 28 9 initially has been complained about; right? 10 A. It depends on the case. Occasionally, we do 11 look beyond what's in the original scope.</p> <p>12 Q. But in terms of, let's say, with respect to 13 Mr. Diaz, if you go back to his complaint email, which 14 is in Exhibit 39, he references additional behavior or 15 other behavior by Ramon Martinez; right? 16 A. Correct.</p> <p>17 Q. So certainly, a thorough investigation would 18 want to look into what he meant by what additional 19 behavior he's complaining about; right? 20 A. That's a question -- or a line of questioning 21 that you might ask.</p>
46	126:17- 127:6	<p>22 P. 126 23 17 Typically, when you have conducted an 24 18 investigation, there is a document that has, like, 25 19 findings in it, correct, like a final document or an 26 20 investigation report, something like that? 27 A. Oftentimes, we generate a final document.</p>

#	Lines	Deposition Excerpt
1		<p>22 Q. Are you aware of any such final document with 23 respect to Mr. Diaz's complaints about Ramon Martinez? 24 A. Not outside of the summarization in the email 25 thread.</p> <p>P. 127</p> <p>1 Q. But in terms of like a final written report 2 of the conclusions of the investigation, you're not 3 aware of anything like that; correct? 4 MS. JENG: Vague as to "report." 5 THE WITNESS: Not outside of the emails about 6 the subject.</p>
47	130:4- 130:23	<p>4 Q. And in that complaint that Mr. Owen Diaz 5 made, he complained that Mr. Timbreza used an 6 offensive racial term towards him; is that right? 7 A. What I saw was "offensive racial comment." 8 Q. And the complaint that Mr. Owen Diaz made was 9 to a Tesla lead; is that correct? 10 A. That's my understanding. 11 Q. And the Tesla lead to whom Mr. Diaz 12 complained was Tom Kawasaki; is that right? 13 A. Yes. 14 Q. And then Mr. Kawasaki followed procedure and 15 elevated Mr. Owen Diaz's complaint to a higher level; 16 is that correct? 17 A. That's my understanding. 18 Q. That complaint then went to Ed Romero; is 19 that right? 20 A. Correct. 21 Q. And Ed Romero was the supervisor over the 22 elevator area; is that right?</p>
48	131:9-13	<p>9 Q. And do you know what happened to 10 Mr. Timbreza, in terms of his employment? 11 A. As far as his employment is concerned? 12 Q. Yes. 13 A. I don't know of anything related to this.</p>
49	131:22- 132:14	<p>P. 131</p> <p>22 Q. Do you remember what Judy Timbreza said, in 23 terms of his perspective of the interaction with 24 Mr. Owen Diaz? 25 A. I didn't see a specific response from Judy.</p> <p>P. 132</p> <p>1 Q. Were there any notes taken of the interviews 2 that were -- strike that. 3 Were there any interviews that were conducted 4 as part of an investigation into Mr. Owen Diaz's</p>

#	Lines	Deposition Excerpt
1		5 allegations? 6 A. According to Mr. Romero, he interviewed 7 witnesses in the area. 8 Q. And was Ed Romero a trained investigator, in 9 terms of investigating claims of harassment? 10 A. He's the manager in the area, at that time. 11 Q. And does Tesla provide its managers with 12 training on how to conduct an investigation into 13 complaints of race harassment? 14 A. Not a standardized training.
50	133:18- 134:7	p. 133 18 MR ORGAN: Q. But if Tesla has knowledge 19 that a contract employee is using an offensive racial 20 term towards another contract employee, that is 21 something that Tesla wants to get to the bottom of, 22 isn't it? 23 A. We would want to make sure that there was a 24 resolution to the situation. 25 Q. And the reason is because other people could P. 134 1 hear an offensive racial comment and be offended by 2 it; right? 3 MS. JENG: Objection; lacks foundation. 4 THE WITNESS: Other people being -- 5 MR ORGAN: Q. Other Tesla employees; right? 6 A. Sure, that anyone on-site would be offended 7 by such language.
51	135:15- 136:1	P. 135 15 Q. Okay. So in terms of the timing of the 16 complaint, it appears it was the end of July 2015 when 17 Mr. Diaz made his complaint to his lead, Tom Kawasaki; 18 correct? 19 A. Correct. 20 Q. You didn't see any investigation notes, 21 either from Tesla people or from the contractors, 22 relative to their investigation of Mr. Owen Diaz's 23 complaint in this July 2015 time frame; correct? 24 MS. JENG: Vague as to "notes." 25 THE WITNESS: I didn't see any documentation P. 136 1 outside of the emails reviewed for this.
52	146:23- 147:4	P. 146 23 Q. In terms of Tesla's policies and procedures 24 for Tesla contractors to ensure that your contractors 25 enforce Tesla's antiharassment policies, is there

#	Lines	Deposition Excerpt
1		P. 147 1 anything in writing that you have seen that indicates 2 what contractors are supposed to do relative to 3 enforcing Tesla's antiharassment policies? 4 A. Not that I've seen.
5	53 147:19- 6 148:16	P. 147 19 Q. It's fair to say that if someone wants to 20 make a complaint to Tesla about the way they're being 21 treated, some kind of harassment, they can do that 22 either in writing or verbally; is that true? 23 A. That's correct. 24 Q. And if a Tesla employee wants to complain 25 about harassment in the workplace, they can do that by
10		P. 148 1 complaining to either a lead, a supervisor, a manager, 2 or HR; is that true? 3 A. Correct. Or through the integrity hotline. 4 Q. Or to the integrity hotline. 5 And similarly, if a contract employee who's 6 working at the Tesla factory wanted to complain about 7 harassing conduct, they could also complain to their 8 lead supervisor manager or HR; is that true? 9 A. The staffing agencies' HR and other people 10 employed through there, they would be able to speak 11 with them or Tesla staff, or the agency. 12 Q. Actually, a contract employee has more 13 avenues to complain, because they can complain either 14 to their own staffing agency or to Tesla supervisors, 15 managers, or HR people; true? 16 A. That's correct.
21	54 148:17- 22 23	17 Q. Now, in terms of steps that Tesla has taken 18 to prevent the use of the "N" word at the Fremont 19 factory, are you aware of any steps that Tesla has 20 taken specifically to address that term? 21 MS. JENG: Objection; lacks foundation. 22 THE WITNESS: Not solely for the purpose of 23 addressing that term.
25	55 148:24- 26 150:9	P. 148 24 MR ORGAN: Q. You're aware that there have 25 been allegations of the use of the "N" word in P. 149 1 different areas of the Fremont factory; is that true? 2 MS. JENG: Objection; lacks foundation. 3 THE WITNESS: My understanding is that we've

1	#	Lines	Deposition Excerpt
2			<p>4 had investigations where those allegations are made. 5 MR ORGAN: Q. What is your understanding of 6 the outcome of the investigations regarding use of the 7 "N" word at the Fremont factory? 8 MS. JENG: Objection; lacks foundation and 9 assumes facts not in evidence. 10 THE WITNESS: It depends on the facts of the 11 given investigation. 12 MR ORGAN: Okay. 13 Q. But you're aware that at least some of the 14 investigations that Tesla has done relative to use of 15 the "N" word at the Fremont factory have resulted in a 16 finding or conclusion that use of the "N" word was 17 substantiated at least in parts of the Fremont 18 factory; correct? 19 MS. JENG: Objection; lacks foundation, also 20 outside the scope of the depo notice. 21 MR. ARANEDA: Misstates prior testimony. 22 THE WITNESS: I can only speak to 23 investigations that I've conducted. I can say that I 24 believe we've had ones where it's been substantiated, 25 but I don't know how many. I can't give you a number P. 150 1 on that. 2 MR ORGAN: Q. So you actually conducted an 3 investigation into the use of the "N" word, where use 4 of the "N" word was substantiates; is that true? 5 MS. JENG: Objection; asked and answered. 6 Also assumes facts not in evidence and misstates her 7 prior testimony. 8 THE WITNESS: I believe I have. I don't 9 remember a specific example of the facts in that case.</p>
22	56	155:5-13	<p>5 Q. And certainly, use of the "N" word in any 6 form would violate Tesla's antiharassment policy; 7 right? 8 A. If it was found to be substantiated, then it 9 would potentially violate the policy, yes. 10 Q. Can you think of an instance where use of the 11 "N" word in the Tesla factory would not violate 12 Tesla's antiharassment policy? 13 A. Not specifically, no.</p>
27	57	155:14-17	<p>14 Q. Are you aware of any training modules that 15 nextSource developed for Tesla relative to the issue 16 of diversity, sexual harassment training? 17 A. I'm not familiar with that, no.</p>

#	Lines	Deposition Excerpt
1	58	9 MR. ORGAN: Q. Relative to disciplinary 2 action, if Tesla finds or gets information that an 3 employee has engaged in harassing conduct, Tesla will 4 act on that, correct, even if it's a contractor doing 5 the harassing conduct? 6 A. Tesla would partner with the agency and 7 collaborate with them to come up with an action. 8 Q. And you would agree that Tesla, with respect 9 to any contract employee, can ask the contracting 10 agency not to send that individual to the Tesla 11 factory; right? 12 A. They can say that that person is no longer 13 allowed on the property, or request that the contract 14 with Tesla end.
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